

TITLE 4: BUSINESS AND SPECIAL LICENSES, REGULATIONS

DIVISION 1: BUSINESS LICENSES AND REGULATIONS

Chapter 2: JUNK AND SECONDHAND DEALERS.

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41.021 Definitions and License Requirements.

- (a) **JUNK DEALER.**
 - (1) Junk Dealer means any person having a fixed place of business and conducting, managing or maintaining any place where secondhand and used machinery and scrap metals, including automobiles, tools, implements, or parts or portions thereof, are gathered together, stored, purchased or kept for shipment, sale or transfer.
 - (2) Every junk dealer shall be licensed and pay an annual license fee of:
 - (A) \$165.00 for the first year; and
 - (B) \$55.00 for each annual renewal,
- (b) **PAWNBROKER.**
 - (1) Pawnbroker means any person engaged in any one or more of the following businesses:
 - (A) Pawnbroking;
 - (B) Lending money for himself or any other person on personal property, pawns, or pledges in the possession of the lender;
 - (C) Purchasing articles of personal property and reselling or agreeing to resell such articles to the vendors or assignees at prices agreed upon at or before the time of such purchase.
 - (2) Every pawnbroker shall obtain a license and pay an annual license fee of:
 - (A) \$165 for the first year; and
 - (B) \$55 for each annual renewal.
- (c) **SALVAGE COLLECTOR.**
 - (1) "Salvage collector" means a person not having a fixed place of business who goes from house to house or place to place gathering, collecting, buying, selling, or otherwise dealing in secondhand and used machinery and scrap metals including automobiles, tools, implements, or parts or portions thereof, or other articles commonly known as salvage.
 - (2) Every salvage collector shall be licensed and pay all annual license fee of:
 - (A) \$15 for the first year; and
 - (B) \$5 for each renewal.
- (d) **SECONDHAND DEALER.**
 - (1) "Secondhand dealer" means any person, copartnership, firm or corporation whose principal business is that of engaging in buying, selling, trading, accepting for sale or consignment, accepting for auctioning, or auctioning secondhand personal property.

- (2) Every secondhand dealer shall obtain a license and shall pay an annual license fee of:
(A) \$50 for the first year; and
(B) \$25 for each annual renewal.

Amended Ordinance #689 (1952); Amended Ordinance #1329 (1966); Amended Ordinance #1343 (1967); Amended Ordinance # 1355 (1967); Amended Ordinance #1522 (1969)

41.022 Daily Reports.

Junk dealers, pawnbrokers, and secondhand dealers under this chapter shall report to the Sheriff of San Bernardino County at the office of the Sheriff, Courthouse, San Bernardino, California, every day before twelve o'clock noon, on a blank form, all personal property that is required to be reported by this chapter.

The specific information to be set out on the purchase form is as follows:

1. Dealer's name, business, address and telephone number;
2. Date of purchase;
3. Seller's name, description, residence address, vehicle license number, driver's license or County business license number;
4. Material category descriptions;
5. Weight of material, amount paid, and time of payment;
6. Description and identification number of automobile and automobile bodies. Such information may be provided by submission of a vehicle report completed by the seller of any automobile or automobile body. The vehicle report forms will be made available by the Sheriff.

Junk dealers shall make a complete report of information set out on the purchase form and wherever possible include the driver's license number of the seller or sellers, and the motor vehicle license number of automobile driven by said seller or sellers.

Junk dealers shall include a general description where the scrap or junk is comprised of such things as castings, wire, tubing, pipe or such items which may be commonly described.

Junk dealers shall report on purchase forms all nonferrous materials and shall report the following ferrous materials: fence material, pipe, chain, machinery parts, new foundry castings, cable, automobiles, and automobile bodies.

Any transactions totaling five dollars (\$5) or less need not be reported, except automobile or automobile bodies, which may be reported in accordance with item 6., above. It shall not be necessary to report any automobile or automobile bodies purchased from auto dismantlers licensed by the State of California.

Pawnbrokers and secondhand dealers shall make their reports in compliance with the provisions of Business and Professions Code, Section 21500 et seq., of the State of California.

Salvage collectors shall maintain purchase records.

The records required by this section shall be retained for a period of three (3) years and shall be available for inspection upon demand of any law enforcement officer.

The reports shall be written in the English language in a clear and legible manner.

Amended Ordinance #689 (1952); Amended Ordinance #1329 (1966); Amended Ordinance #1343 (1967); Amended Ordinance # 1355 (1967);

41.023 Inspection.

Every junk dealer, pawnbroker and secondhand dealer shall hold and keep exposed any property acquired by them in the course of their business for inspection on their business premises during business hours.

Amended Ordinance #689 (1952); Amended Ordinance #1329 (1966); Amended Ordinance #1343 (1967); Amended Ordinance # 1355 (1967);

41.024 Property.

Junk dealers shall hold all personal property received as received except automobile bodies until the expiration of three (3) days after the submission of the report required by this chapter.

Amended Ordinance #689 (1952); Amended Ordinance #1329 (1966); Amended Ordinance #1343 (1967); Amended Ordinance # 1355 (1967);

41.025 Licenses.

(a) RENEWALS. Upon expiration of any license issued pursuant to this chapter, the holder thereof shall upon the payment of the required license fee, be entitled to a new license for the ensuing year without making a new application therefor, provided the required license fee is paid before the expiration of the license.

(b) LICENSE NOT TRANSFERABLE. Each license issued hereunder shall be issued to a specific person and shall in no event be transferable from one person to another.

(c) APPLICATION FOR LICENSE, CONTENTS AND INVESTIGATION. Application for licenses under this chapter shall be made in writing and filed with the Clerk of the Board of Supervisors. Each application shall be accompanied by a ten dollar (\$10) fee. Said fee shall be credited as part of the first annual license fee. The application shall contain the name of the applicant, the person's interest in the business, his business address, or if the applicant is an itinerant dealer, his residence address. The application shall be immediately referred to the Planning Department, the Building and Safety Department, and to the Sheriff for investigation concerning the applicant's business and character of the applicant. The Planning Department, Building and Safety Department, and the Sheriff shall make reports of their findings, together with a recommendation as to whether or not the applicant shall be granted a license, to the Board of Supervisors within ten (10) days after the application was referred to them.

(d) ISSUANCE OF LICENSE. The Board of Supervisors shall, upon receiving an application and reports of the Planning Department, Building and Safety Department, and the Sheriff, either approve or disapprove the issuance of such license.

(e) TEMPORARY PERMITS. Any applicant for a business license under this chapter may be issued a temporary permit for a period of one (1) year commencing January 19, 1967. During the year such application shall be investigated by the Planning and Building and Safety Departments. Where any violation of County ordinances or pertinent State laws is determined, such violation shall be corrected within the one (1) year period. In the event corrections are not so made within the one (1) year period, the temporary permit shall terminate.

(f) DISPLAY OF LICENSE. Every pawnbroker, junk dealer and secondhand dealer shall display the license issued by the County of San Bernardino in a conspicuous place in his business premises.

(g) SUSPENSION OR REVOCATION OF LICENSE. The Board may, upon its own motion or upon the verified complaint in writing of any person, investigate the actions of any permittee and may temporarily suspend for a period not exceeding one (1) year, or revoke the permit of any permittee who commits any one or more of the acts or omissions constituting grounds for disciplinary action under this chapter.

(h) DISCIPLINARY ACTION GROUNDS. It shall be a ground for disciplinary action if any permittee, his agent or employee or any person connected or associated with the permittee as partner, director, officer, stockholder, general manager, or person who is exercising managerial authority of or on behalf of the permittee has:

(1) Knowingly made any false, misleading or fraudulent statement of a material fact in an application for a permit, or in any report or record required to be filed with the Board; or

(2) Violated any provision of this chapter or of any statute relating to his permitted activity; or

(3) Been convicted of a felony or any crime involving theft, embezzlement or illegal turpitude; or

(4) Committed any act constituting dishonesty or fraud; or

(5) A bad moral character, intemperate habits or a bad reputation for truth, honesty or integrity; or

(6) Committed any unlawful, false, fraudulent, deceptive or dangerous act while conducting a permitted business; or

(7) Published, uttered or disseminated any false, deceptive or misleading statements or advertisements in connection with the operation of a permitted business; or

(8) Violated any rule or regulation adopted by the Board relating to the permittee's business; or

(9) Willfully failed to comply with the terms of any contract made as a part of the exercise of the permitted business; or

(10) Conducted the permitted business in a manner contrary to the peace, health, safety, and general welfare of the public; or

(11) Demonstrated that he is unfit to be trusted with the privileges granted by such permit; or

(12) Failed to comply with zoning regulations of San Bernardino County.

(i) SUSPENSION OR REVOCATION WITHOUT HEARING. CONVICTION. If any person holding a permit under this chapter is convicted in any court of the violation of any law relative to his permit, the Board may revoke the permit forthwith without any further action thereon other than giving notice of revocation to the permittee.

(j) PROCEDURE. The licensee may, within ten (10) days after service upon him of a written notice of suspension or revocation of his license, file a request for a hearing with the Board. The request for hearing shall be in writing and signed by or on behalf of the applicant. It need not be verified or follow any particular form. Failure to file such a request for a hearing shall constitute a waiver of the licensee's right to a hearing.

(k) PENDING REVOCATION OR SUSPENSION PROCEEDINGS EFFECT ON PERMITTEE.

(1) Continuing business. Pending the final determination of a proceeding for revocation or suspension or a permit, a permittee may continue to engage in the business for the period of his permit or until the Board makes such final determination.

(2) Renewal Application. A permittee may file an application for renewal of a permit pursuant to Subsection (h) accompanied by the required fee during the pendency or a proceeding to suspend or revoke his permit. Such filing shall continue such permit in full force and effect until the entry of the final order by the Board terminating the proceedings. Failure of the Board to revoke, suspend, limit or condition the permit shall have the effect of granting the permit. The application for renewal shall become a part of the pending proceeding and be subject to all evidence which has been or is thereafter presented. No further notice to the applicant is required and the Board or Hearing Examiner is authorized to consider and make findings upon such application in accordance with this chapter.

Amended Ordinance #689 (1952); Amended Ordinance #1329 (1966); Amended Ordinance #1343 (1967); Amended Ordinance # 1355 (1967);

41.026 Purchase Report Forms.

The Sheriff of the County of San Bernardino, in conjunction with the Purchasing Agent of the County of San Bernardino, shall immediately upon the adoption and publication of the ordinance codified in this chapter, cause such number of Sheriff's Purchase Report Forms to be printed, as may be necessary for pawnbrokers, junk dealers and secondhand dealers to report the transactions required by this chapter.

Amended Ordinance #689 (1952); Amended Ordinance #1329 (1966); Amended Ordinance #1343 (1967); Amended Ordinance # 1355 (1967);

41.027 Cost and Inspection of Purchase Report Forms.

The Sheriff of the County of San Bernardino shall cause the blanks referred to in Section 41.026 to be printed in books and shall furnish the books to any junk dealer or secondhand dealer upon payment of the sum specified in Section 16.0226 of Chapter 2 of Title 1, Division 6 of the San Bernardino County Code. Upon the receipt of the report from any of the persons from whom the reports are required, the Sheriff shall file the same in his office and the same shall be open to inspection only to any peace officer and to the District Attorney, Deputy District Attorney or investigator from the office of the District Attorney, or upon the order of a duly authorized court for such purpose.

Amended Ordinance #689 (1952); Amended Ordinance #1329 (1966); Amended Ordinance #1343 (1967); Amended Ordinance # 1355 (1967); Amended Ordinance #2924 (1985);

41.028 Correct Name and Address Required.

(a) Every pawnbroker, junk dealer and secondhand dealer, their agents and employees, shall cause the person or persons by whom property is left in pledge, stored, deposited, or from whom purchased, to sign his true name and give his correct address in each Sheriff's purchase report.

(b) It shall be unlawful for any person or persons to sign a fictitious name or fictitious address in connection therewith.

Amended Ordinance #689 (1952); Amended Ordinance #1329 (1966); Amended Ordinance #1343 (1967); Amended Ordinance # 1355 (1967);

41.029 Penalty.

Any person violating any provision of this chapter shall be guilty of a misdemeanor and subject to a fine of not more than five hundred dollars (\$500) or imprisonment in the County Jail for not more than six (6) months, or both such fine and imprisonment.

Amended Ordinance #689 (1952); Amended Ordinance #1329 (1966); Amended Ordinance #1343 (1967); Amended Ordinance # 1355 (1967);